

BEFORE THE ILLINOIS COMMERCE COMMISSION

Arnold Fournie,)	
)	
Complainant,)	
)	Case No. 16-0329
v.)	
)	
Illinois-American Water Company,)	
)	
Respondent.)	

POST-HEARING BRIEF OF ILLINOIS-AMERICAN WATER COMPANY

Complainant Arnold Fournie contends that he should not be held responsible to pay for water service at his house due to a leak in his internal plumbing. There is no state law or regulation, however, that exempts a customer from paying for water service because of a leak. In fact, the opposite is the case, according to the tariff of Illinois-American Water Company (IAWC):

“The quantity of water recorded by the meter shall be conclusive and binding upon both the Customer and the Company except when the meter is found to be out of order or inaccurate after being tested by the Company.”

ILL. C.C. No. 23, Original Sheet No. 10, 13(A). Accordingly, Mr. Fournie’s complaint should be dismissed with prejudice.

BACKGROUND AND ARGUMENT

This complaint arises from high usage recorded at Mr. Fournie’s residence at 209 North 7th Street, Belleville, Illinois, in January and February 2016. Prior to the January 2016 meter reading, Mr. Fournie’s bills for October 2015 through December 2015 were \$20.99, \$21.29, and \$21.60, respectively. (IAWC Exhibit 1.00, p. 3, lines 35-37) These amounts represented the fixed

customer service charge only and other minor amounts, but not charges for water usage (Transcript, September 15, 2016, p. 61, lines 14-24), because, as Mr. Fournie testified, he did not occupy the house until April 2016. (Tr. P. 76, line 14-15)

At the January 27, 2016 meter reading, Mr. Fournie's meter registered usage of 105,468 gallons (Tr. p. 63, lines 8-15), resulting in a bill for current usage of \$618.28. (Tr. p. 64, line 15-17) Because this usage was abnormal, IAWC's billing system flagged the account and generated a service order that sent a field service representative to take a manual meter read as opposed to the automatic radio read. (Tr. p. 72, lines 10-22) When the FSR arrived on January 29, 2016, he noted that the house appeared vacant, and that water was coming out the front door, so he shut off the water. (Tr. pp. 72-73, lines 22-25; 1)

Mr. Fournie's February bill also included abnormally high usage, with a current usage charge of \$203.09. (IAWC Exhibit 1.00, p. 3, lines 38-39) After February, no abnormal usage was recorded – from March 2016 through May 2016, the charge for current usage was \$13.42, \$14.77, and \$32.50, respectively. (Id. at 39-40)

According to Mr. Fournie, the high usage occurred because of "rotten" pipes beneath his sink (Tr. p. 77, line 15) and because of pipes underground in his bathroom that "don't even meet with each other." (Tr. p. 86, line 21-22).

IAWC applied a courtesy leak adjustment to Mr. Fournie's bill in the amount of \$194.28. (Tr. p. 67-68, lines 8-25; 1-3) After application of the courtesy adjustment, Mr. Fournie's bill was reduced to \$521.49 through February 25, 2016. (Tr. p. 69, lines 8-12) Mr. Fournie has failed to pay any of his water bills after February 2016, including amounts for current usage. (Tr. p. 82, lines 20-23) Through the May 26, 2016 billing period, his outstanding bill was \$582.18. (IAWC Exhibit 1.00SUPP, Attachment A, p. 10).

IAWC offered a payment plan to Mr. Fournie, which he declined. (IAWC Ex. 1.00, p. 4, line 62-63; Tr. p. 81, lines 2-6).

CONCLUSION

Water usage was accurately recorded by Mr. Fournie's meter. Accordingly, the quantity of water recorded by the meter is conclusive and binding. His complaint should be dismissed.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

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